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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,282	08/01/2001	Richard Cerami	020366-077210US	5330
20350	7590	07/13/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			TODD, GREGORY G	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/921,282	CERAMI ET AL.
Examiner	Art Unit	
Gregory G. Todd	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 April 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-35 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 01/24/05, 04/22/05.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This is a third office action in response to applicant's amendment and request for continued examination filed, 22 April 2005, of application filed, with the above serial number, on 01 August 2001 in which claims 1, 6-8, 18-20, 23-25, 28-29 and 32-35 have been amended. Claims 1-35 are therefore pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-13, 15-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (hereinafter "Bowman", 6,611,867) in view of Rakoshitz et al (hereinafter "Rakoshitz", 6,578,077).

As per Claim 1, Bowman discloses a method for managing; a network element inventory for a video and data network comprising:

self-discovering a physical network inventory of physical elements using network elements of the video and data network (network inventory management; config. adds / changes / deletes) (at least col. Fig. 30, 15B-1; col. 71 line 57 - col. 72 line 7);

self-discovering a logical network inventory of logical elements using network elements of the video and data network (capacity available from network inventory) (at least col. 71, lines 22-31; Fig. 28, 15B-1);

providing a planned network inventory of the video and data network (planned network capacity) (at least col. 70, lines 60-65; Fig. 26);

loading the physical network inventory, logical network inventory, and planned network inventory into the network element inventory (network provisioning to include installed configuration with identifiers) (at least col. 71, lines 42-49);

synchronizing the physical network inventory, logical network inventory, and planned network inventory in the network element inventory to determine any differences between the physical network inventory and the logical network inventory with the planned network inventory (reconfiguration of the network) (at least col. 71, lines 1-56; Fig. 16-17; also col. 56, lines 3-67);

receiving a request for a view of the network element inventory (at least col. 58, lines 33-48).

Bowman does not explicitly teach determining a real-time view based on at least one of the synchronized physical network inventory, the synchronized logical network inventory, and planned network inventory, wherein the view is determined based on if any differences between the physical network inventory and the logical network inventory with the planned network inventory are determined. However, the use and advantages for using such a real-time network view is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rakoshitz.

Rakoshitz teaches real-time monitoring, viewing and managing of bandwidth, traffic, and performance of a network and gives the monitor management and control utilizing such information for QoS purposes (at least col. 9, lines 39-62; col. 10, lines 15-27; col. 14, lines 48-54; also col. 19 line 34 - col. 21 line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rakoshitz's system in Bowman as Bowman teaches a presentation manager presenting such information in a browser to a field technician, for example, for monitoring network activity and would allow the maintenance user to determine what work orders to put in based on real-time data they are viewing, for example (at least col. 58, lines 33-48; col. 55, lines 1-6; col. 71 line 57 - col. 72 line 27).

As per Claim 3.

wherein the video and data network comprises a Digital Subscriber Line (xDSL) network (at least Fig. 51; col. 20 lines 40-50).

As per Claim 4.

wherein the planned network inventory comprises planned virtual network inventory (planned logical network configuration) (at least col. 70, lines 60-65).

As per Claim 5.

wherein the planned network inventory comprises planned physical network inventory (planned network capacity) (at least col. 70, lines 60-65).

As per Claim 6.

wherein synchronizing the physical network inventory, logical network inventory, and planned network inventory comprises comparing the planned network inventory

with the self-discovered physical and logical network inventory (comparing level of service) (at least col. 56, lines 3-67, especially lines 45-67).

As per Claim 7.

further comprising creating a repair ticket if the comparison of the planned network inventory with the self-discovered physical and logical network inventory is not substantially equal (alarm creating ticket) (at least col. 55, lines 15-25, 41-49; col. 56, lines 17-28).

As per Claim 8, Bowman discloses a method for managing a network element inventory between one or more operation systems for a video and data network comprising:

self-discovering a physical network inventory of physical elements using network elements of the video and data network (network inventory management; config. adds / changes / deletes) (at least col. Fig. 30; col. 71 line 57 - col. 72 line 7);

self-discovering a logical network inventory of logical elements using network elements of the video and data network (capacity available from network inventory) (at least col. 71, lines 22-31; Fig. 28);

providing a planned network inventory of the video and data network (planned network capacity) (at least col. 70, lines 60-65; Fig. 26);

loading the physical network inventory, logical network inventory, and planned network inventory into the network element inventory (network provisioning to include installed configuration with identifiers) (at least col. 71, lines 42-49);

synchronizing the physical network inventory, logical network inventory, and planned network inventory in the network element inventory to determine any differences between the physical network inventory and the logical network inventory with the planned network inventory (reconfiguration of the network) (at least col. 71, lines 1-56; Fig. 16-17; also col. 56, lines 3-67);

providing the one or more views to the one or more operation systems (presenting in browser) (at least col. 58, lines 33-48; col. 55, lines 1-6).

Bowman does not explicitly teach creating one or more views of the network element inventory using at least one of the synchronized physical network inventory, the synchronized logical network inventory, and the planned network inventory for the one or more operation systems, wherein the one or more views are created based on if any differences between the physical network inventory and the logical network inventory with the planned network inventory are determined. However, the use and advantages for using such a real-time network view is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rakoshitz. Rakoshitz teaches real-time monitoring, viewing and managing of bandwidth, traffic, and performance of a network and gives the monitor management and control utilizing such information for QoS purposes (at least col. 9, lines 39-62; col. 10, lines 15-27; col. 14, lines 48-54; also col. 19 line 34 - col. 21 line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rakoshitz's system in Bowman as Bowman teaches a presentation manager presenting such information in a browser to a field technician, for example, for monitoring network

activity and would allow the maintenance user to determine what work orders to put in based on real-time data they are viewing, for example (at least col. 58, lines 33-48; col. 55, lines 1-6; col. 71 line 57 - col. 72 line 27).

As per Claim 9.

 further comprising receiving an update of self-discovered physical, self discovered logical, and planned inventory (continuously monitored analysis) (at least col. 56, lines 3-9; Fig. 16-17).

As per Claim 10.

 further comprising re-synchronizing the physical network inventory, logical network inventory, and planned network inventory in the network element inventory with the update of self-discovered physical, self discovered logical, and planned inventory (continuously monitored analysis) (at least col. 56, lines 3-9; Fig. 16-17).

As per Claim 11.

 further comprising creating one or more views of the re-synchronized network element inventory for the one or more operation systems (threshold manager residing on workstation being retrieved) (at least col. 56, lines 3-9; col. 58, lines 33-48; col. 55, lines 1-6).

As per Claim 12.

 further comprising providing the one or more views using the re-synchronized physical network inventory, logical network inventory, and planned network inventory (threshold manager residing on workstation and being examined) (at least col. 56, lines 3-9; col. 58, lines 33-48; col. 55, lines 1-6).

As per Claim 13.

wherein the operation systems comprise sales, engineering, and marketing systems (at least col. 55, lines 1-6; col. 14, lines 43-50; Fig. 1C-1, 1E-1).

Claims 15-23, 28-32 and 34 do not add or define any additional limitations over claims 1 and 3-8 and therefore are rejected for similar reasons.

As per Claim 24.

further comprising if there are differences between the physical network inventory and the logical network inventory with the planned network inventory, selecting at least one of the physical network inventory, the logical network inventory, and the planned network inventory as a representation of the network element inventory (reconfiguration of the network) (at least col. 71, lines 1-56; Fig. 16-17; also col. 56, lines 3-67).

As per Claim 25.

further comprising if there are differences between the physical network inventory and the logical network inventory with the planned network inventory, determining a representation of the network element inventory from the physical network inventory the logical network inventory, and the planned network inventory (at least col. 58, lines 33-48; col. 55, lines 1-6; col. 71, lines 1-56).

As per Claim 26.

further comprising receiving an update of at least one of the self-discovered physical, self discovered logical, and planned inventory (at least col. 71, lines 1-56).

As per Claim 27.

further comprising comparing an updated physical network inventory or updated logical network inventory with an updated planned network inventory in the network element inventory to determine differences between the updated physical network inventory and the logical network inventory with the planned network inventory (at least col. 58, lines 33-48; col. 55, lines 1-6; col. 71, lines 1-56).

Claims 33 and 35 do not add or define any additional limitations over claim 24 and therefore are rejected for similar reasons.

4. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman in view of Rakoshitz and further in view of Wetzel (hereinafter "Wetzel", 6,388,990).

Bowman and Rakoshitz fail to explicitly disclose wherein the video and data network comprises a Very high bit rate Digital Subscriber Line (VDSL) network. Bowman does disclose using next generation networks and xDSL networks (at least Fig. 51; col. 20, lines 19-59). However, using certain xDSL technologies such as VDSL is disclosed by Wetzel (at least col. 2, lines 18-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of VDSL into Bowman and Rakoshitz's system as Bowman discloses using a next generation network, suggesting higher bandwidth networks, as the medium for communications and as Wetzel discloses VDSL as being a variation of xDSL for future networks.

Response to Arguments

5. Applicant's arguments, see pp. 10-11, filed 22 April 2005, with respect to the rejection(s) of claim(s) 1-35 under Bowman have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rakoshitz et al.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Rueda et al, Tummalapalli, Wang et al, Czarnik et al, Croslin et al, and Chapman et al, is cited for additionally teaching real-time viewing of network information including bandwidth; in addition to previously cited Rustad et al, Bell, Weber et al, Sundaresan et al, Yim et al, Mukaiyama et al, Bhagavath et al, McGhee, and Aravamudan are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

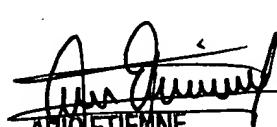
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

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